



House of Representatives

File No. 285

General Assembly

January Session, 2009

(Reprint of File No. 49)

House Bill No. 6185
As Amended by House Amendment
Schedule "A"

Approved by the Legislative Commissioner
March 27, 2009

AN ACT CONCERNING PENALTIES FOR VIOLATIONS OF CERTAIN PERSONNEL FILES STATUTES.

Be it enacted by the Senate and House of Representatives in General
Assembly convened:

1 Section 1. Section 31-69a of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective October 1, 2009*):

3 (a) In addition to the penalties provided in this chapter and chapter
4 568, any employer, officer, agent or other person who violates any
5 provision of this chapter, [or] chapter 563a, chapter 557 or subsection
6 (g) of section 31-288, shall be liable to the Labor Department for a civil
7 penalty of three hundred dollars for each violation of said chapters
8 and for each violation of subsection (g) of section 31-288, except that
9 any person who violates (1) a stop work order issued pursuant to
10 subsection (c) of section 31-76a, shall be liable to the Labor Department
11 for a civil penalty of one thousand dollars and each day of such
12 violation shall constitute a separate offense, and (2) any provision of
13 section 31-12, 31-13 or 31-14, subsection (a) of section 31-15 or section
14 31-18, 31-23 or 31-24 shall be liable to the Labor Department for a civil
15 penalty of six hundred dollars for each violation of said sections.

16 (b) The Attorney General, upon complaint of the Labor
17 Commissioner, shall institute civil actions to recover the penalties
18 provided for under subsection (a) of this section. Any amount
19 recovered shall be deposited in the General Fund and credited to a
20 separate nonlapsing appropriation to the Labor Department, for other
21 current expenses, and may be used by the Labor Department to
22 enforce the provisions of chapter 557, chapter 563a, this chapter and
23 subsection (g) of section 31-288 and to implement the provisions of
24 section 31-4.

This act shall take effect as follows and shall amend the following sections:		
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Section 1	<i>October 1, 2009</i>	31-69a
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The following fiscal impact statement and bill analysis are prepared for the benefit of members of the General Assembly, solely for the purpose of information, summarization, and explanation, and do not represent the intent of the General Assembly or either House thereof for any purpose:

OFA Fiscal Note

State Impact:

Agency Affected	Fund-Effect	FY 10 \$	FY 11 \$
Labor Dept.	GF - Revenue Gain	Potential Minimal	Potential Minimal

Note: GF=General Fund

Municipal Impact: None

Explanation

The bill could result in a minimal revenue gain associated with imposing civil penalties on employers who violate the provisions of CGS Chapter 563a regarding employee personnel files. The revenue generated from this civil penalty is anticipated to be minimal.

House "A" made a technical change and has no fiscal impact.

The Out Years

The annualized ongoing fiscal impact identified above would continue into the future subject to inflation.

OLR Bill Analysis**HB 6185 (as amended by House "A")******AN ACT CONCERNING PENALTIES FOR VIOLATIONS OF CERTAIN PERSONNEL FILES STATUTES.*****SUMMARY:**

This bill subjects any employer, officer, agent, or other person who violates the provisions of the Personnel Files Act to a \$300 civil penalty for each violation. The Labor Department imposes the penalty and can ask the attorney general to initiate civil action to recover any unpaid penalties.

By law when the attorney general helps recover penalties from violations of Chapter 557 (employment regulation regarding minors, people with disabilities, apprentices, family and medical leave, certain employee rights, and other employment issues), Chapter 558 (various wage laws), and workers' compensation insurance fraud, the money is credited to the Labor Department to use to enforce the laws that generated the penalties. The bill authorizes personnel file penalties to be used to support enforcement of the personnel file law or any of the other laws previously mentioned.

*House Amendment "A" specifies that the Labor Department may use penalties recovered under the bill to enforce provisions of the Personnel Files Act.

EFFECTIVE DATE: October 1, 2009

BACKGROUND***Personnel Files Act***

This state law imposes certain requirements on employers who keep employee personnel and medical records. The law requires the

employee's written consent, in most cases, before an employer can disclose individually identifiable information other than the employee's dates of employment, job title, and wage or salary.

The employer must also allow an employee access to personnel files and, in the case of medical files, allow access by a physician chosen or approved by the employee. The employers must maintain both types of files for a certain period after a worker stops working for that company and must abide by other statutory requirements.

COMMITTEE ACTION

Labor and Public Employees Committee

Joint Favorable

Yea 9 Nay 2 (02/26/2009)